

## REMARKS

Initially, Applicant notes that the amendments and remarks made by this paper are consistent with the proposals and discussions presented during the telephone interview with the Examiner on Tuesday, October 16<sup>th</sup>.

In the Final Office Action mailed August 29, 2007 claims 3-8, 13-15, 27-30, 37-41, 43-47, 49-76 and 78 were considered and rejected. Claims 3-8, 13-15, 27-30, 37-41, 43-47, 49-76, and 78 were rejected under 35 U.S.C. 112, first paragraph, for purportedly failing to comply with the written description requirement. Claims 3-8, 13-15, 27-30, 37-41, 43-47, 49-76, and 78 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US 6,388,714) hereinafter *Schein* in view of Klosterman (US 5,550,576) hereinafter *Klosterman*.

By this paper, claims 3-7, 37, 39-40, 44-47, 50, 58, 65, 67, 68, 70, 74-76 and 78 have been amended<sup>1</sup>, while claims 8, 13-14, 27-30, 38, 41, 43, 49, 51-57 and 59-63 have been cancelled, and such that claims 3-7, 15, 37, 39-40, 44-47, 50, 58, 64-76 & 78 remain pending, of which claims 37, 44, 50 and 58 are the independent claims at issue.

The method recited in claim 37 is directed to an embodiment in which a server that communicates over a network with a recording apparatus remotely controls the recording of one or more selected television programs by the recording apparatus. As clarified, the server stores both a programming schedule, as well as recording control information that can be used to record the program (including at least a record command).

Upon request, the server provides a user Internet access to the programming schedule in the form of a navigable webpage and from which a particular television program can be selected by the user for recording. Once the program is selected, and the server receives the selection, the server transmits the recording instructions that are configured to cause the recording apparatus to record the particular television program and such that the recording apparatus will thereafter be set up to record the particular television program. These recording instructions are transmitted to the recording apparatus from the server through at least one of a television signal and the Internet.

Claim 44 is directed to a similar method to the method recited in claim 37. However, rather than being recited from the perspective of the server, the method recited in claim 44 is recited from the perspective of the recording system.

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<sup>1</sup> Support for the amendments is found throughout the Specification, including the disclosure found in paragraphs [0130]-[0131], [0140] & [0143]-[0145].

The other two independent claims (50 and 58), which are directed to other embodiments for controlling recording, are claimed in a different statutory classification than claims 37 and 44. For at least this reason, it was discussed during the Interview with the Examiner that these claims might be subject to a restriction requirement.

Now, with regard to the rejections of record, it will be noted that all of the claims were rejected under 35 U.S.C. § 112 for purportedly comprising subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Even more particularly, it was asserted that the "specification fails to particularly point out and distinctly [claim] the "the interactive system that includes a computing system, a server, a method for enabling the server to control recording, and a computer program product all together as claimed". Applicant respectfully disagrees.

Initially, it is noted that it is entirely unclear which elements of the claims are specifically being asserted as not being supported by the specification and/or which elements the specification fails to describe in a sufficient way that one of ordinary skill in the art could appreciate that the inventor(s) had possession of the invention at the time the application was filed.

Notwithstanding the foregoing, and in view of the interview discussions with the Examiner, the claims have been amended to remove the term "interactive television system" and "computing system" to provide additional focus and clarity to the recited claim elements and components. It is respectfully asserted that all of the elements recited in the amended claims are clearly supported by the disclosure found within paragraphs [0130]-[0131], [0140] & [0143]-[0145] of the Specification (as originally numbered), for example, as well as other portions of the Application. It is also asserted that the supporting disclosure also describes things in sufficient detail so as to enable and to convey to those of ordinary skill in the art that the inventor had possession of the claimed invention at the time of the invention.

For at least these reasons, as well as those discussed with the Examiner, it is asserted that the §112 rejections are now moot.

Now, with regard to the substantive rejections, it is noted that the claims continue to be rejected in view of Schein and Klosterman. However, neither of these references discloses or suggests any embodiment in which a server remotely controls the recording of a recording apparatus, as claimed. For example, among other things, the references fail to teach or suggest any

embodiment in which a server stores recording instructions (which is distinguished from the program guide). The references (when considered alone and in combination) also fail to teach or suggest that a server transmits the recording instructions to a recording apparatus through a television signal or the Internet in response to a user selecting a program to record from a program schedule, particularly when considering that the recording instructions that are transmitted through the Internet are only sent after a user first selects a program to record from the displayed program guide.

To the contrary, Schein and Klosterman only appear to disclose that recording takes place by a system analyzing the broadcast time and channel of a program that is selected to be recorded and by recording the program at the correspondingly appropriate time. There is no teaching of recording instructions being stored by a server or being transmitted to a recording apparatus through the Internet in response to a user selecting a program to record, as claimed, for example, in combination with the other recited claim elements.

For at least these reasons, as well as the others that were discussed with the Examiner, it is asserted that the pending claims are distinguished from the cited art of record, satisfy the §112 requirements and are in condition for immediate allowance.

As a final issue, it is noted that many of the previously filed IDS references have not yet been signed off on. It was asserted that the reason for this is because they were already submitted and considered. While it is true that a few of the references on one of the IDSs were already submitted and therefore recited redundantly, most of the references were not already submitted or signed off on. Accordingly, it is respectfully requested that they now be signed off on. To help the Examiner out in this regard, a new IDS has been filed on October 16th, with only the references that were not already signed off on.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 30<sup>th</sup> day of October, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger".

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